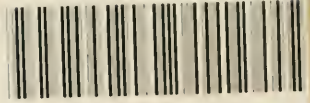


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The Patriot Soldier vs. The Unrepentant Rebel.

SPEECH

OF

HON. WILLIAM T. CLARK,

OF TEXAS,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

MAY 13, 1872.

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WASHINGTON:
F. & J. RIVES & GEO. A. BAILEY,
REPORTERS AND PRINTERS OF THE DEBATES OF CONGRESS.
1872



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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

d. S. 20411

The Patriot Soldier vs. The Unrepentant Rebel.

The House having under consideration the contested-election case of *Giddings vs. Clark*, from the State of Texas—

Mr. CLARK, of Texas, said:

Mr. SPEAKER: I thank the chairman of the Committee of Elections [Mr. McCrary] for his courtesy. Under ordinary circumstances, sir, an attempt to change the vote of this House upon the unanimous report of the Committee of Elections would be thought, to say the least, presumptuous. But my position in this case is such as to demand that I not only vindicate myself before my constituency and the country, but that I should also make one last effort in behalf of the loyal Governor of my State. For reasons which I have heretofore stated to the House I have brought down upon me the personal vindictiveness and animosity of the editor of one of the leading journals of the country. From week to week, since my election, I have enjoyed the peculiar regard of his editorial columns. In the present crisis of political affairs it is natural, therefore, that my case should have been prejudged, and while I do not desire to reflect in any manner upon the integrity and character of the Committee of Elections of this House, I cannot believe, taking everything into consideration, that I have been fairly dealt with. I had thought, sir, to enter into the details of the circumstances which have brought about the public and private denunciation of myself on the part of the editor of the *Tribune*, but I can say nothing regarding that gentleman which has not been more ably said by the gentleman from Indiana, [Mr. Voorhees,] who, in his eloquent speech this morning, has, as I believe, so disposed of the old white-livered hypocrite that his name will never be mentioned hereafter by honest men except as a traitor to his party and his country. In the manly and complete exposure of this greatest pretender I have some revenge to-day.

I have one other source of pride and satisfaction. It is that my last vote in this House

was cast in favor of the "civil rights bill," giving to the men who have been my friends from the first to the last all the rights and immunities which they should long ere this have enjoyed. I know, sir, that the man who takes my place on this floor will religiously and consistently cast his vote every time against any measure which will place the American colored citizen on an equal footing before the law with those who have oppressed him for the last two hundred years.

I have said, Mr. Speaker, that my case was a peculiar one, and has attracted the attention of the country for the last six months. The third congressional district of Texas is composed of twenty-four counties with an area almost as large as the State of New York. The greater portion of the wealth and busy life of the State is in that district. There, its most prominent politicians, business men, and railroad men reside. There was selected by the rebel Democracy the battle-field in the congressional contest on the 3d, 4th, 5th, and 6th days of October, 1871. There, to defeat the Republican candidate, was brought every appliance of money, fraud, intimidation, armed violence, loss of employment, social and financial ostracism. The canvass over, the returns in, it became the duty of the returning officers to issue the certificate to one of the candidates. It was not issued until after a careful review of the whole conduct of both parties during the election; and those officers, upon the testimony before them, to which I shall hereafter refer, believed it their duty to certify to this House that I was elected by a majority of the legal voters of the third congressional district of Texas. That certificate went before your committee. They decided that I was entitled to my seat, and the House by a large majority sustained the action of the committee.

Now, sir, that certificate of the Governor must stand until it is fairly impeached. If impeached, it will be an assurance to the rebel Democracy of Texas that whatever may be the

registered majority, or the actual voting majority of any district, they are at liberty hereafter to use any means, however wicked or violent, to defeat the Republican candidate, and it will find indorsement in this Congress.

There are two points in this case to which I desire to call the attention of the House. First, the refusal of the committee to grant me further time to establish the facts upon which this certificate was issued, and second, the report of the committee on the merits of the case.

First, regarding the refusal of the committee to grant further time, I aver that the same elements which were at work to defeat my election were constantly in force during the whole time given me to make this contest. The same men who hounded loyal persons to death in 1861, and who drove Governor Sam Houston to his grave, and who inaugurated their second rebellion in my canvass in 1871, and who were the conspicuous and shining lights, the friends of contestant, in their bitter determination to break down the State government, bring into contempt and pursue with hatred and ostracism every loyal man in the State, were the men who brought indictments against the Governor and other State officials, and against every county official or other person who was known to be my friend throughout the district, thus preventing my attorneys from securing that evidence which would fully have substantiated my answer to the notice of contest given by the contestant. These indictments were procured by bribing grand juries even in the Federal courts; and they kept up this spirit of intimidation during the whole sixty days. These facts were brought to my knowledge for the first time on the 18th of March. It is charged by the honorable chairman of the committee that I have not used due diligence; that I did not go to Texas myself. Sir, I had no reason, as I supposed, to go there, until that time. I had given my attorneys all the information necessary for conducting the contest. Until I received about that date a letter written on the 11th, I had no knowledge that testimony in my behalf could not be taken, and in this connection I will ask the Clerk to read a portion of the testimony.

The Clerk read as follows:

LONG BOTTOM, FRESTONE COUNTY,
March 11, 1872.

SIR: As your friends, we think it our duty to communicate to you the fact that we have been informed by parties who were intimidated at your election that they were much more intimidated now to testify to that fact. One man has been run out of the county to keep from giving his testimony; and others leaving of their own accord to avoid their testimony, in fear of losing their lives should they be compelled to testify to the truth. We would have given you this information before, but for fear that our names might be made public. We beg of you not to do this, but when called on in person we will furnish you with the names of the parties alluded to.

With much respect for you, and desire for your success, we are, respectfully,

Hon. W. T. CLARK, *City of Washington.*

BRENNHAM, TEXAS, March 11, 1872.

DEAR SIR: Times are very unpropitious and menacing here. I have never before witnessed such corruption and double-edged villainy as I have seen here during the past two months. The drama that is now being enacted throughout this State by far exceeds the midnight machinations and Ku Klux assassinations of South and North Carolina and Mississippi, in this: that by corrupt judges and venal juries the Democracy, or the old leading rebels of this State, expect to accomplish their designs in ridding Texas of the "scalawags" and "carpet-baggers," without resorting to open rebellion or Ku Klux bullets.

It is to be much regretted that the leading Republicans of this State permitted the appointment of so many hitherto rebels to high judicial positions, for they might have known that they were only warming adders to life, that would not lose an opportunity to strike their poisoned and envenomed fangs into the very life of the Republican party. I myself attempted to prevent the appointment of some men to positions which they obtained, because I did not possess sufficient influence with Governor Davis to prevent it; but I take some little credit to myself in warning the Governor against these men, who have, since their appointments, done exactly what I predicted they would do, namely, betrayed the Republican party and made themselves the pliant tools of the old rebels.

Since the election last fall nine tenths of our district judges have manifested a decided leaning toward the old rebel principles, and their reasons for so doing is because they believe that the coming election this fall will give Texas a Democratic Legislature, who will redistrict the State and cut off the judicial heads of those judges who do their duty. This cowardly and contemptible treachery does not end with the judiciary, but it extends all the way down, in many instances to sheriffs and constables.

By the aid of traitors, corrupt judges, and rebel juries, bogus true bills are found against those Republican officials who by neither threats nor money can be forced into corrupt measures. By a judicial Ku Kluxism Republicans will be forced to either leave the State or else take up arms in self-defense. Indictments are found and nearly written before defendants are arrested and forced into trials without witnesses. The sheriff summons a rebel jury and every rebel lawyer voluntarily prosecuted, and, as a matter of course, defendants are convicted; then the rebel papers take it up and sing it throughout the entire Union as proof of the corruption of the so-called "carpet-bag and scalawag governments of the South." For fear that I have already been too tedious I will for the present close, hoping that you will answer this immediately, and advise with your Republican friends of this State as to the proper course to be followed in preventing a Democratic reign of terrorism in Texas. I know you have the means and influence within yourself to turn the tables on scoundrels and traitors.

Respectfully, yours,

Hon. W. T. CLARK, *City of Washington.*

P. S.—For full particulars of the condition of our Texas affairs I refer you to the Houston Union and State Journal, but not one half of the whole truth has been shown up.

N. B.—You can use this letter as you may see proper, suppressing for the present my name, if you should use it, or any portion of it, in any of our Republican journals.

Mr. CLARK, of Texas. Upon these statements being made I immediately left for Texas, and learned that this system of intimidation organized by the contestant and his friends

was more complete and effective than I had conceived. On my return I made my statement under oath to the committee, which is as follows:

Deposition of W. T. Clark.

W. T. Clark, contestee in the above entitled cause, being duly sworn, deposes and says:

I have taken testimony in the counties of Grimes, Robertson, Brazos, and Harris, within the time specified, as I am informed by my attorneys, all of which testimony has not yet reached here, although it is now *en route*. The reasons for not taking testimony in other counties are herein set forth.

Immediately after it was known that I had obtained my seat in the House, a combination was formed among the friends of the contestant in my district to indict all officials, State and county, and a system of persecution inaugurated against my witnesses to prevent me from taking the testimony to sustain my answer to the notice of contest. This organized system extended to every county where I desired to take evidence.

In Hill county the officers of election, with others who were known to be my witnesses, were indicted before the Federal grand jury in session at Austin, Travis county, Texas, on the testimony of one Chambers, a witness for the contestant. The parties so indicted were all acquitted, and said Chambers was arrested and lodged in jail at Austin for perjury in connection with these indictments.

In Navarro county my principal witnesses were indicted by the grand jury of that county, after notice had been served that I would take testimony in that county, and after it was known that the testimony of the parties indicted would be taken in my behalf. These cases have not been tried.

In Grimes county the registrar has been indicted by the grand jury of that county, although he was driven from the polls for fear of his life. It was known that he was a witness in my favor. This case has not yet been tried.

In Harris county the officials, including the registrar, were indicted by the grand jury of that county for alleged election frauds, since which they have been tried and acquitted. They were known to be my witnesses.

In Washington county the system of persecution reached its climax, Brenham, the county seat of this county, being the residence of the contestant. My principal witness, F. A. Wiltmans, the mayor of the city, and one of the inspectors of election, was indicted by the grand jury of that county for alleged election frauds, was compelled to force his trial, and was promptly acquitted on the testimony of one of contestant's witnesses. It can be shown that other parties, against whom indictments were found in the same county, were promised dismissal of suit or acquittal if they would give their testimony in this cause in favor of the contestant. These indictments were procured while the contestant was taking testimony in Brenham. My witnesses were thus overawed and intimidated from appearing and giving testimony. Threats of personal violence were used against them to keep them away.

This system of indictments was kept up in Washington county until, as I am informed, the contestant and his brother, J. D. Giddings, of the law firm of Giddings & Giddings, of Brenham, were informed that indictments were about to be found against them, when the grand jury was suddenly dismissed.

Now that this system of persecution has been exposed in the public press, recoiling on the heads of those conspirators, a greater feeling of security is manifested, and the witnesses are now willing to give their testimony, substantiating all the allegations in my answer to notice of contest.

The indictments against the parties in the several counties herein referred to were for alleged election frauds, and were all against persons known to be those on whom I relied as witnesses in this contest. In no case in the entire district has a conviction been had.

It will be observed that in the testimony taken

by the contestant is the evidence of certain officials, whose affidavits and statements are herewith presented in support of the allegations herein contained.

This system of intimidation of witnesses and election officers was inaugurated during the absence of the Governor and secretary of State of Texas from the State on official business. An indictment was found by the Federal grand jury at Austin against the Governor and other returning officers for issuing the certificate of election to me. This fact was heralded throughout the State and county for the purpose of intimidating witnesses, and preventing me from establishing the allegations in my answer. It has transpired that the grand jury was packed by a conspiracy of lawyers, the friends of the contestant; that two of the deputy marshals summoned themselves, with the connivance of said conspirators and sat upon the grand jury for the purpose of procuring the said indictment.

The records of the court show that this grand jury was bribed; that one of the bribed grand jurors was captured in attempting to escape into Mexico; has since forfeited his bond, his bondsmen being the attorneys and friends of the contestant. This exposure of the wicked machinations of the conspirators who had determined to make it impossible for me to take the required testimony has produced a healthy reaction throughout the district and State.

All these acts of intimidation of witnesses and threats of violence, all these conspiracies and combinations, were inaugurated and carried into effect and kept up during the sixty days allowed for taking testimony in this case, nor could they be exposed and met, so as to restore a feeling of personal safety to my witnesses within the time.

It will be shown that the contestant took his testimony, as a rule, in the several counties while the court was being held, and the grand jury in session, and these indictments were being found, and that for the purpose of overawing and intimidating my witnesses and preventing my attorneys from taking their testimony.

Immediately on the passage of the resolution granting sixty days in which to take testimony in this case, I gave to the contestant a list of attorneys of high standing in the profession, whom I had employed to conduct my case. The affidavits of two of these attorneys are hereto attached, marked F and H. Matters of grave importance to the State compelled me to remain here during a large part of the time allowed. The Governor and secretary of State were here on important business connected with the public affairs of the State, which demanded my personal attention, and I felt that my case would be properly attended to by my attorneys in Texas.

On or about the 10th of March I received letters from my attorneys, and other persons friendly to me in this contest, stating that such was the terrorism produced and kept up by the system of persecution as herein set forth, that they feared nothing could be done in the way of taking testimony for me, in certain counties. A gentleman of high standing in Harris county wrote me that he had been warned not to be seen on the streets alone, as his life would be in danger, and this because he was known to be a very important witness for me. Similar communications were received from other counties.

Immediately after receiving these various communications, I went with all haste to Texas, telegraphing in advance to my attorney in Houston, Harris county, to serve notice to take testimony in Washington and Limestone counties, which he did. Sickiness and delays on the road prevented me reaching there until the 25th of March. On my arrival I found that half had not been told in regard to the conduct of these conspirators to prevent a free, full, and fair statement of facts by my witnesses on the stand.

Went in person to these counties; conversed with the witnesses, together with my attorneys, and from them learned the facts herein stated. I was informed by my attorneys that the contestant had left for this city; that the agreement to take testimony, in pursuance of my notice by telegram, had been withdrawn by contestant's attorneys. All I could do in

this case was to take the *ex parte* affidavits, which are herewith submitted, marked as aforesaid. This notice was served, as I am informed, by my attorney within the time allowed. Wherefore, this deponent avers he has used not only due diligence, but extraordinary diligence to procure the testimony within the sixty days allowed; that he has been at great expense and trouble, and has only been thwarted by the combined efforts of the contestant and his friends, as herein set forth.

W. T. CLARK.

Sworn to and subscribed before me, a justice of the peace in and for the county of Washington, District of Columbia, this 18th day of April, 1872.

[L. S.] WM. C. HARPER, J. P.

Considering the facts herein set forth, the proofs and statements filed herewith and made a part of this application, the contestee asks for a reasonable extension of time in which to take testimony to substantiate all the material allegations in his answer to notice of contest contained, which he avers he can and will do.

W. T. CLARK.

In order further to show that I was justified in my action, I refer to a letter of my attorney, dated February 24, which is as follows:

HOUSTON, TEXAS, February 24, 1872.

DEAR GENERAL: I have taken the testimony on our behalf in Robertson and Brazos counties, and it is entirely satisfactory. We will begin here next week. Giddings, I am informed by Bonner, made a perfect failure at Limestone. He has taken testimony in various counties without any kind of notice to me. I am glad of it, as it will give us the chance of going ahead without notice to him. I can make out the strongest case for you ever presented before Congress. Some developments I have already made will astonish you. All is well.

Yours, truly, A. C. ROGERS.

General WILLIAM T. CLARK.

I call attention also to the depositions from the county of Washington, signed by the district attorney, sheriff, register, also witnesses for the contestant:

THE STATE OF TEXAS, County of Washington:

The undersigned, citizens of said county, upon their oath do say, that upon their personal knowledge, in their opinion, there has existed for the last few months in this county a combination of influential lawyers and Democratic citizens, friends and supporters of D. C. Giddings in the late congressional election, which we believe has for its object the creation of a public sentiment adverse to the elucidation of the facts in relation to the mode of conducting said election, and the fraud, force, and illegal proceedings perpetrated by the supporters of D. C. Giddings. Nearly all the local county officials have been indicted by a Democratic grand jury for pretended offenses, and are being prosecuted by a voluntary association of Democratic lawyers. All Republicans who have been acting in support of their principles and party in the late congressional election are pursued with implacable animosity. Outraged in business and in all the relations of life is the order of the day.

The indictments against the Governor and secretary of State for issuing a certificate of election to Hon. W. T. Clark, as member-elect to the Forty-second Congress of the United States from the third district of Texas, coupled with the proceedings above stated in this county, has had the effect of deterring all Republicans having a knowledge of facts from giving their testimony in the contested-election case of Giddings vs. Clark. Any effort to have taken testimony on the part of the contestee, General Clark, would have been fruitless in developing the facts, on account of the prevailing feeling of

insecurity on the part of Republicans. Now, however, since the schemes of those who procured the indictments against the Governor, secretary of State, and local county officials have been exposed and made public through the press, a reviving spirit of security is manifested among Republican masses. Hence we believe all the allegations of fraud and illegality made by Governor Davis and General Clark in their answer to contestant's notice of contest can and will be fully established by competent proof, if time is allowed.

F. A. WILMANS,

Mayor of Brenham,

D. A. ALLEN, Postmaster,

THOMAS G. DAVIDSON,

District Attorney Twenty-Ninth Judicial District,

M. WEAR, City Marshal,

LYDDLETON SMITH,

Sheriff Washington County,

HENRY E. LOCKETT,

President Washington County,

S. A. HACKWORTH,

County Judge Washington County,

PETER DILLER, Registrar,

K. F. PATTERSON,

THOMAS DWYER,

BENJ. O. WATROUS,

A Member of the State Convention in 1868.

Sworn to and subscribed before me, and the seal of the district court of Washington county, State of Texas, annexed, this the 3d day of April, A. D. 1872.

J. J. STOCKBRIDGE,

Clerk District Court, Washington county, Texas.

I shall also ask to have incorporated in my remarks articles from the Union and State Journal with regard to the bribery of the grand juries who presented these indictments:

"The Austin Ring Conspiracy.—In what we say below we do not include the masses of the good men of the State who may have voted the Democratic ticket. We include only the Austin ring conspirators, and their supporters, whether press or people, and we hope to awake our fellow-citizens of Texas, and of the country generally, to the enormity of the crimes they have committed, and to the evil purposes they have in view in trying to ruin the State that they may profit by the confusion and injury created.

"The truth of Texas history, the sacredness of judicial honor and justice, the sworn secrecy and faith of grand juries, the reputation, interests, rights, and even lives of political opponents, have all been put in jeopardy by the Austin Democratic ring. They have conspired to ruin every leading man in the Texas Republican party; to break down the State government; to repudiate the State debt; to ruin the State credit; to destroy the vested rights of the capitalists who have trusted the State and are building our railroads; to inflame the people to resist the laws; to corrupt or intimidate the courts; to frighten the judges into helping them defeat the collection of the school tax; to take free public education away from the children and orphans of confederate soldiers, and from all the poor children of the State, white and colored; to calumniate the personal reputation of every Republican official, or public man, who does not play the flunkey to them; to corrupt or intimidate or prejudice juries to indict every Republican who is at all in their way; to band the bar together to prosecute and hunt down every leader in the Republican party; and to so inflame the people, break down the laws and the courts, damage material interests, deter immigration, disorganize society, as to ruin Texas, that they may then turn round and lay it to the charge of the Republican administration.

"These things are sober facts, terrible as they may appear, every one of which can be verified and illustrated by special instances. Every rumor or charge against a Republican whom they dislike is magnified by the malignant and unscrupulous part of the Democratic press, the bar-room and bawdy-

house Democratic politicians, and their gangs of clamorous and loud-swearers street-corner loafers, into huge crimes. The indictments of vengeful grand juries are invoked; the people of the State are misled by the falsehoods of their correspondents and journals; the telegraphic wires to the north are charged with the same things, and the truth of the case is only circulated in the Republican journals, and has no showing whatever on the telegraph lines; and every possible appliance of heated public and social opinion, of professional influence, of sectional war prejudices, and of the most outrageous defamations of Republican reputation, are all invoked to prejudice the cases, prevent a fair trial, and either convict the hated one or break down his reputation. The State is full of such instances."

"Our Federal Grand Jury.—The developments of the last few days have exposed a system of corruption in the Federal jury of the western district of Texas that must attract attention at Washington. When a body of grand jurors are detected in open corruption; when the startling evidence of their criminal bribery is exhibited to the public eye; when it becomes necessary to place detectives upon their track in Texas to secure the safety of our fellow-citizens, the purity of our national ermine is sullied, and the honor of the Government degraded. For the first time in the history of the Government has so anomalous a case been presented; and it has fallen to the lot of the Texas Democracy to exhibit it. The highest functionaries of the State have become victims of Democratic malevolence and of purchased perjury. Persecutions are boldly perpetrated upon innocent men under the shelter of the Federal court, because these men's only offense is that they love their country and oppose Democracy."

"An honorable State senator has been dragged from a sick bed and exposed to every contumely and dishonor by Democratic machinations and malice, and this jury is the authority for the outrage. The Governor and the secretary of State have been indicted by a body of men under the forms of law, who are proven to have been selling themselves openly to subvert the purposes of the enemies of the Republican party and the Government. Frauds and robberies upon the Treasury of the United States are justified, and the Democratic thieves are permitted to go scot-free, because, forsooth, they can buy up the grand jury at the nominal price of from thirty-five to two hundred and fifty dollars a head. Well may we tremble for the safety of Republican institutions when these outrages upon their fundamental principles are existing in the highest and what ought to be the purest tribunals of the country."

"In view of them, of their open and public exhibition, it is the plain duty of Judge Duval to liberate himself from the first taint of suspicion. He cannot, as a just judge, entertain a single official act emanating from such a source of corruption as an openly acknowledged bribed grand jury. He should put his official brand of infamy upon every member of that body proven to be guilty. His plain and only course is to throw out every indictment that was born of so corrupt a body, and every official act that bears the stamp of their purchased perjury. If it be possible he should go further and weed from the bar the members who have prostituted an honorable profession to pursue with Democratic hate the best men in the State, only because they are Republicans, and to swindle the Treasury of the Government out of its just dues."

"The following from the Houston Union is exactly to the point. We take the liberty of leading it and of placing it in our editorial column:

"One of the funniest things that ever occurred in the politics of Texas is the fact that the Democrats packed the Federal grand jury to get the Governor indicted, and then got so frightened and ashamed about it that they began to swear that the jury were nearly all Republicans. They now want to get out of it, and they are trying to represent it as a wholly

Republican affair. The Union showed each man's political status by name over a month ago, and the jury was shown to be more than two thirds Democratic. Nobody has dared to deny our statement. More than two thirds of the jury were supporters of Giddings and Hancock, and voted in the grand jury as they voted in the election."

I also add affidavits of another of my attorneys, Judge Coldwell, a man eminent for his legal ability and knowledge of the affairs of the State; the secretary of State, Hon. James P. Newcomb; J. C. De Gress, superintendent of public instruction; J. G. Tracy, chairman of the Republican central committee, and the statement of the Governor:

STATE OF TEXAS, *Grimes county*:

I, C. Coldwell, one of the attorneys of W. T. Clark in the contested election now pending in the Forty-Second Congress of the United States, between D. C. Giddings, contestant, and said W. T. Clark, contestee, for a seat in the said Congress from the third congressional district of the State of Texas, do say that from diligent inquiry I am fully possessed, and do solemnly believe, that in parts of said district it has not hitherto been possible to prevail upon witnesses to testify in behalf of said contestee. That as such attorney I have examined many persons privately, who stated to me that they know facts that would be material to support the allegations of contestee in his answer to the notice of contest. In the county of Grimes these persons informed me that they know of many Republican voters who would have voted for contestee, but were deterred from so doing because of threats to discharge them from service and houses if they did so. Others did not vote for contestee because of the closing of the polls by the chief registrar, K. N. Mills. I was informed by Democrats and Republicans that Mills had just cause of alarm for his safety; but the parties who gave this information refused to testify, because, as they alleged, they would be proscribed in business and ostracized, themselves and their families."

I found a similar condition of affairs in Austin county, except the closing of the polls. In Washington county, among the Republicans, all was consternation and dismay. None felt secure from persecution if they gave in their evidence. Many of them had been indicted, in my judgment, for pretended offenses, and, I verily believe, for the purpose of striking them with terror, so as to aid contestant. The indicted persons are county officers. The Democratic press, too, teemed with denunciation and abuse of all in authority, and threatened them with persecutions, so that, in my judgment, it would have required extraordinary moral courage for a man to have given his evidence in behalf of contestee. The Governor, secretary of State, and attorney general had been indicted for issuing a certificate of election to contestee, and, during the time that evidence should have been taken, handbills were circulated and posted, to the effect that the Governor had fled and was a fugitive from justice. The daily press contained the same announcement. It is impossible to escape the conclusion that all this was for the purpose of alarming Republicans and aiding contestant. Whatever may have been the motive, this was the effect, and so stated to me by many Republicans, the usual exclamation being, if the Governor is thus pursued, how can we, as humble citizens, escape persecution? The storm has blown over, and I now believe we could proceed in taking testimony without serious difficulty."

C. COLDWELL.

Sworn to and subscribed to before me this 9th day of April, 1872. Witness my hand and official signature and seal of office.

[L.S.]

J. E. TEAGUE,
Notary Public, Grimes county, Texas.

NAVASOTA, TEXAS, April 13, 1872.

Testimony was taken for you, and closed last Saturday of April; mailed yesterday. My own statement mailed 9th.

C. COLDWELL.

Hon. W. T. CLARK, 510 Tenth street.

STATE OF TEXAS, county of Travis :

I, James P. Newcomb, secretary of State of the State of Texas, being duly sworn, do say on oath that I am convinced from information which has come to me that a systematic effort has been organized and to a great extent carried out by the attorneys of D. C. Giddings, the candidate of the Democracy for Congressman in the third district, and their aiders and abettors, to defeat a fair and complete exposition of the fraud, violence, and intimidation perpetrated by the said D. C. Giddings and his political friends during the recent congressional election; that this conspiracy has developed itself in the indictment and prosecution of State officials and officers of election, both in the Federal and State courts; and I fully believe that had there been no contest and had the State returning officers granted a certificate to D. C. Giddings, that such prosecution would never have been instituted; and I further believe that if all pressure is removed all the charges of violence, fraud, and corruption alleged against the said D. C. Giddings and his political adherents can be fully substantiated; and that this conspiracy, directed against the State officers and officers of election was in a great measure intended to prevent and deter persons from giving testimony favorable to General W. T. Clark, whose seat in Congress is contested by D. C. Giddings, and that the allowance of ample time for securing the testimony will serve to assure all persons summoned that they can testify without fear. The terrorism exerted by prosecutions before the courts is enhanced from the fact that the Democratic lawyers (a large majority of the lawyers being Democrats) combine and agree to prosecute and not to defend Republicans when indicted..

JAMES P. NEWCOMB,
Secretary of State, State of Texas.

Sworn and subscribed to before me this 21 day of April, 1872.

[L. S.] J. C. DE GRESS,
Superintendent of Public Instruction.

STATE OF TEXAS, county of Travis :

I, J. C. De Gress, of said county and State, do say on oath, that I am superintendent of public instruction for said State, and that I have an extensive correspondence throughout the State with my official subordinates, and by means thereof and my own observation on tours of official inspection, I have an accurate idea and good knowledge of affairs. That since the assembling of the so-called tax-payers' convention in the capitol last September, there seems to be an organized effort, on the part of Democratic lawyers and leading Democratic politicians, to embarrass the operations of the State government in all its departments. This is made evident by voluntary associations of lawyers, who tendered their services gratuitously to prevent the collection of taxes levied to sustain our common schools. Taking its rise in this source, a feeling of bitter and implacable hostility has been manifested on the part of the Democratic masses toward all Republicans and the Republican administration. From special sources of information entirely trustworthy, and from general report, I learn that Republican officers are, and have been, for two or three months past, pursued with false accusations in the courts, and a storm of denunciation and detraction, utterly destructive of the free exercise of opinion and action. Especially has this been the condition of the third congressional district, where the mass of our colored population reside. That during the election for a member of Congress in October, 1871,

I was a part of the time in Limestone county, and said county was completely under the dominion of mob rule. That no freedom existed during said period in the county aforesaid, except for the lawless mob. Large numbers of the colored voters had taken refuge in the woods from the impending violence. That for the last two months, and even longer, in my opinion, the condition of the public mind has been such as to preclude the full expression of facts by Republican masses, bearing on the contested election between D. C. Giddings and W. T. Clark for a seat in Forty-Second Congress, from the third district of Texas. That latterly, owing to the belief gradually fixing itself upon the Democratic masses, that the national Executive will sustain our Governor in his efforts to secure the protection of law to all classes, greater security is felt, and a larger degree of freedom is manifested by the mass of Republican voters. And I now believe that if time is allowed there will be no difficulty in obtaining the evidence that will sustain all the material allegations of the answer of W. T. Clark to the notice of contest by D. C. Giddings.

J. C. DE GRESS,
Superintendent of Public Instruction,
State of Texas.

STATE OF TEXAS, Travis county :

Sworn to and subscribed before me this 21 day of April, A. D. 1872.

[L. S.] JAMES P. NEWCOMB,
Secretary of State.

STATE OF TEXAS, county of Travis :

I, J. G. Tracy, chairman of the Republican executive committee, State aforesaid, being duly sworn, do say on oath that I believe there exists throughout this State a conspiracy on the part of the Democratic lawyers of a certain class and leading ultra Democratic politicians, having for its object the overthrow of the State government; that this conspiracy had its inception last summer during the session of the so-called tax-payers' convention; that the evidence of this is to be found in the admitted organized effort of the Democratic lawyers of the State to defeat the collection of school taxes, and in the procurement of indictments by Democratic grand juries of a large number of Republican officials for frivolous and pretended offenses; that the grand jury, at the late term of the district court of the United States for west district of Texas, were induced by the conspirators aforesaid to present bills of indictment against the secretary of State, and his Excellency the Governor as accessory, for issuing a certificate of election to Hon. W. T. Clark as member-elect from the third district of Texas to the Forty-Second Congress of the United States; that several members of said grand jury have been arrested, charged with having been compelled by Democratic lawyers or their agents to do the bidding of said lawyers; others of said grand jury, over their own signatures in the public prints aver that if the injunction of secrecy is removed they could testify to the criminality of some of their fellows in presenting said indictments. Since the finding of said bills against the Governor and secretary of State, in various counties of the third congressional district the work of indicting local Republican officials for corrupt purposes began, and has been prosecuted with vigor. In the county of Washington members of the county or police court were indicted in the State courts for the alleged offense of corruptly voting upon particular measures pending before them. In Grimes, Austin, and Harris counties criminal proceedings have been instituted against the judges of election for the manner in which they discharged their several duties, all of which have been without the slightest just cause or reasonable foundation, as I verily believe. In consequence of these movements by the Democracy there has been and still continues a general feeling of insecurity on the part of Republicans, who would otherwise have given important evidence of fraud, intimidation, and vio-

lence on the part of the Democracy at the late congressional election. This feeling of alarm existed in a very high degree during the time allowed for taking testimony in the contested election of Giddings vs. Clark. In Washington county the evidence was taken during the session of the district court, and immediately preceding, when all was terror, alarm, and confusion, in consequence of the unjust criminal proceedings aforesaid.

In consequence of the energetic action of the Governor, in connection with the fact that the crimes of these conspirators have come to light, and been exposed by the press, thus having the effect of silencing them for the present, a feeling of greater security now exists among loyal men, and I now believe full and ample evidence can be had to establish all the material allegations of Hon. W. T. Clark in his answer to notice of contest by D. C. Giddings.

J. G. TRACY.

Sworn and subscribed to before me, at Austin, Travis county, Texas, this 2d day of April, 1872.

JAMES DAVIDSON,
[L. s.] *Adjutant General and Chief of Police
for State of Texas.*

I, E. J. Davis, Governor of the State of Texas, do certify that from my observation it has been the purpose of D. C. Giddings, or his aiders or abettors, since the contest commenced before Congress for the seat now held by General W. T. Clark, to create a public opinion adverse to Clark, by indicting through corrupt manipulation of the United States grand jury at Austin, the Governor and other State officers who gave the certificate of election to said W. T. Clark. Among other means adopted to carry out this design was the publication that the Governor, through fear of those indictments, had fled the State, which publication was issued in the form of an "extra" written by an individual known as W. M. alias "Buck" Walton, late chairman of the Democratic central committee, and issued from the office of a paper published at the capital of the State, called the Statesman, which I am informed and believe is owned and published by said Walton and the law firm of HANCOCK & West, said HANCOCK being the present member of Congress from the fourth district of Texas.

My official information also leads me to conclude that this design has been attempted to be carried out in the State courts within that congressional district by indictments and threats of indictments and prosecution of the local officers who conducted the election, as well as of voters who had forwarded complaints and affidavits charging improper conduct of the opposition at that election.

I am sure that during the excitement caused by these proceedings, which have been going on for two or three months past, it would not have been possible to get full and straightforward statements from all witnesses in that district in regard to facts favorable to said Clark.

EDWARD J. DAVIS,
Governor of Texas.

Thus it will be seen that no witness in my behalf could have been brought forward to swear to the truth in regard to the election. It will also be seen that all these indictments were intended to secure the object of the rebel Democracy in the third district of Texas, which was this, and only this, to unseat the sitting member and force upon the House the contestant.

I now proceed to examine the case upon its merits, and I cannot better do that than by referring to a portion of my own argument before the committee. I will not take up the

time of the House to read that here, but ask that it may be incorporated in my remarks:

Bosque county.

It is a little remarkable that Bosque county should not have been counted for the contestant. The facts are, that when the contestee was canvassing in that county during the election he was advised to leave by the principal Republicans for the reason that it was not safe for any man of his sentiments to be seen about there after daylight.

The registrar, Thomas Ford, duly appointed, did not appear during the election, because, being a Union man, he had once before been hunted for his life, and escaped by a miracle.

Brazos county.

C. S. West, a bitter Democratic partisan, son-in-law of Judge Duval, of the Federal court, who perjured himself and got his pay both from the confederacy and the General Government and who now pretends to hold the United States court in the western district of Texas, this West, partner of JOHN HANCOCK, the Democratic member of the fourth district, who has gone to Cincinnati with Senator HAMILTON, gives his testimony with regard to this county. The Governor's right to reject the vote of Brazos county, cast in face of the law, is indisputable.

If HANCOCK and West and their sort are to dictate the policy of this Government or the State government of Texas, then it is time for Jefferson Davis to be President of the United States.

Freestone county.

Freestone county was rejected by the Governor. One cannot escape the conviction that all the witnesses are suborned in the interest of contestant. (See statement made to Governor, page —.) The contestant admits that frauds were committed, but says not in the interest of contestant. I ask an examination of testimony, and the statement made by Tracy, registrar, who was then acting in the interest of justice, but who to the personal knowledge of contestee, was paid to make the counter statements, as in the evidence of contestant.

Galveston county.

In this county the friends of Mr. G. Greeley, of the Tribune, were most active. It is unnecessary to go into particulars in regard to Mr. Greeley's visit to Texas. It was made with the view to secure his nomination as President. The contestee gave him no encouragement, and hence the opposition of the Tribune and its friends in that county.

The man McCormick, who testifies, kept hounds to hunt negroes before the war; was a major, or rather says he was in the rebel service; pretended to be a Republican; was removed from office for good cause; hence his opposition.

Grimes county.

The evidence from this county on the part of contestee has been telegraphed by his attorney as on the way. From this statement of Judge Coldwell it will appear that R. N. Mills was justified in leaving the polls, and that the statement of contestee in regard to the 1,000 votes will be fully sustained.

Harris county.

Here we have to deal with one of the most remarkable instances of rebel deceit and chicanery. The election was going on to all appearances quietly and peaceably, until about two o'clock of the third day. This contestee was here in person, and up to that hour it was supposed that Harris county, one of the most advanced and civilized communities of the State, would give at least one thousand majority for the Republican candidate.

Suddenly the contestant appeared on the street, and in less than two hours the election was broken up. Hundreds of Republicans who were there desiring to vote went home in fear and dismay.

The men who, without reason, broke up the election have been indicted in the Federal court, and it

is to be hoped that they will receive the just punishment provided for in the enforcement act.

The contestant makes the gratuitous remark in his argument that one of the judges of election was caught stuffing the ballot-box. He knows so well that that is false, that on that testimony alone in Harris county he has convicted himself before the people of at least indiscretion.

Hill county.

It is only necessary to say, in answer to contestant in regard to Hill county, that the man on whom he relied, and who was bought by him or his friends to swear that he had changed ballots, has been arrested, confessing the perjury by which contestant hopes to win this case.

Limestone county.

The state of affairs proven in this county is enough to any impartial judge on which to rest this whole case.

The contestant's statements, from the beginning to the end of his argument, taken in connection with the testimony, and that of contestee, herewith submitted, are a sufficient answer to every charge brought forward by contestant, and are sustained by the testimony taken by the contestant himself.

The argument of contestant regarding this county will stand upon the records of election cases as the climax of brazen effrontery and impudence.

Navarro county.

The records of the War Department will show that the allegations of contestant regarding Smith are void of truth in every particular. Regarding Robertson, Walker, and Washington counties, the same acts of violence, intimidation, fraud, and corruption can be proven.

In utter defiance of the laws of the land, these men in 1871, as in 1861, set themselves up to subvert not only the State, but the General Government. They tore down the national flag and burned it in a tar barrel. They murdered innocent men, quietly sitting in the doors of their houses, chopped their heads off and tossed their carcasses on the railway track to shield their guilt. They burned down school-houses; they whipped the teachers; they refused them shelter or food; and in every way conceived by the villainy of man, they have attempted to thwart the voice of the loyal people throughout the State.

They hate any man in sympathy with the Government, either State or national, and nothing will bring them to their senses and secure a proper regard for the rights of the people, but the assurance, once for all expressed in this House, that they cannot take the law into their own hands and subvert the State government and elect whom they please.

Mr. Speaker, I have said that any attempt at this stage of the contest to reverse the action of the Committee of Elections is a work which Mr. Greeley would call "superserviceable." And yet I cannot go from this body, where I think I have no personal enemy, where I have labored for the best interests of my constituency, without saying that no one measure, since I have been a member of this House, of whatever nature for the benefit of my State has become a law of the land which was not inaugurated and pressed through by my own personal efforts and those of my Republican colleagues. In vindication of that statement I call upon any member of the House, or any citizen in my district, to read the Statutes-at-Large of the United States since the 30th of March, 1870. I go and leave my work behind me. Men may talk, and talk, and

talk, but at the expiration of his term the man who has done his duty, and his whole duty, must be able to turn to some statute which will show that he has done work and left his mark there. This is the first time in the history of a Republican Congress when it has been said to a patriot soldier "Go," and to a Ku Klux rebel, "Come."

Sir, I might go on for hours, and read to you evidence as strong as that of Holy Writ, substantiating every allegation I have set forth in my answer to the notice of the contestant. But, sir, I do not propose thus to occupy the time of the House. I know the Committee of Elections enjoys its confidence, and it would be like attempting to sail up Niagara to make any effort to alter the determination of this House in regard to my case. But in behalf of the loyal men of my State, in behalf of the eighty thousand Republicans there, white and black, I enter here and now my solemn protest against this report. By the memory of three hundred thousand heroic dead, who died that four million men might be free, by the memory of the Union soldiers whose bones lie bleaching from the Potomac to the Rio Grande, by the memory of the heroes of the old army of the Tennessee, I pray you pause before you take your final action on this contest.

On my way to the Capitol I was told that they proposed to-day to begin and bury the army of the Tennessee; that they intended to bury me first, and to keep on burying that old army until they had buried its oldest and greatest leader in November next. Sir, here is the roll of the army of the Tennessee, [holding the same in an unfolded condition.] When I first entered the doors of this House, and looked over this body, I found thirty-five men, officers of that old army, on the floor. There are nearly as many now. On this roll there are three hundred thousand of the bravest men who ever stood upon the battle-field during the last war. The names of Logan, of Slocum, of Washburn, of Mower, of McKee, of Payne, Leggett, Giles Smith, and a host of others are here. The names of McPherson, of Crocker, Ransom, Harker, and Rawlins are not there; they have been buried, some of them shot down on the field of battle, others worn out by the very rebel element whose candidate you propose to seat here this day.

Bury the army of the Tennessee! Mr. Speaker, when you bury that army you bury the last sentiment of loyalty that beats in the hearts of twenty million men and women of this country.

Bury the army of the Tennessee! I tell you, Mr. Speaker, before that army is buried, with the principles for which it fought, you will not find a green thing from the Potomac to the Gulf, and these men who now propose

to break down this great party, to sacrifice its friends as they are now proposing to do, will find that before that is accomplished, out of the very graves from every national cemetery, from the Potomac to the Rio Grande, will rise the dead heroes of that old army, to fight the battle of freedom over again.

Bury the army of the Tennessee! Why, sir, I recollect very well when, as a private soldier, I first shouldered my musket and went out into that army. I knew it when it was a little brigade at Bird's Point, Missouri. I followed it from Henry, and Donelson, and Shiloh, Corinth, Vicksburg, Chattanooga, and Atlanta, to the sea, and back to Washington, and you remember when these very walls trembled with the mighty tread, and trembled with joy and pride under the footsteps of that victorious old army. Ay, sir, it was the only army that never turned its back to the foe. I beg pardon of the House for referring so warmly to that army of which I was so long the adjutant general and chief of staff.

I come back to the question before the House. The result of the vote here to-day will be announced in dispatches all over the South, and in my district, where the guns are already loaded, so perfectly well known has been the action of the committee for many days, they will be fired in honor of the rebel victory. No enthusiasm since the first defeat at Bull Run can compare with that which will thrill every rebel heart when this day's vote is announced along the wires. With bonfires and illuminations; with burning of school-houses and murdering of teachers; with insult and ostracism of the wives and children of the Union men in my district will this result be welcomed. From the South will come up dispatches of great rejoicing of the rebel Democracy; and the editor of the New York Tribune, the candidate of the Dolly Varden convention, will come in for his share of the plaudits and praises of his rebel friends for his assistance in my defeat. By the action of this House to-day you say to these men that hereafter in defiance of law, in defiance of the orders, of the proclamations of the Governor, they can go to the polls armed and camp there. You put fifty thousand muskets and revolvers in the hands of the most desperate men in Texas, who will never again allow a man to vote for the Republican cause. Your action will cost the lives of at least five thousand men in Texas. You say to them, "All you have to do is to take your double-barreled shot-guns, your revolvers and bowie-knives, go to the polls, and drive away every man who is opposed to you, and then let your candidate come up here and this Congress will protect you."

Is this really to be the treatment which the men who have fought for so many years in behalf of the Government and in behalf of

the principles of the Republican party are to receive? I have fought this battle for eleven years; I have suffered with my wife and children every indignity and every species of ostracism, and yet for all this the Republican majority of this Congress propose to place me under the feet of my Ku Klux adversaries. Gentlemen talk about testimony. I have done everything I could to bring testimony here. I have brought forth evidence of a terrorism more terrible than that of shot-guns. It is that which prevents you from buying a pound of meat at your butcher's or a loaf of bread at your baker's unless you are in sympathy with the Ku Klux Democracy. The testimony of the contestant himself, to which I have referred, shows that it could not be more damnable or infamous were it torn, every leaf, from the records of hell. To show the character of that testimony on which this report is made, I desire to have read one specimen. Take the published report and compare it with the original manuscript.

The Clerk read as follows:

CALVERT, TEXAS, October 15, 1871.

DEAR SIR: This is the first time that I have had the honor of addressing you, and I hope that you will give me a few minutes' attention, so that I may lay my case before you.

On the 6th instant Colonel Gillespie and Byron Mahlor came to me and told me that if we wanted to carry the county for Clark that we would have to give registration papers to about one hundred Republicans then at the polls, said parties having been refused registration papers by Ned Butler. To do this they wanted me to sign Butler's name to the papers, and then issue them to those parties who would call for them. I told them that I could not lend myself to any such scheme. But they then told me if I did not do so that my school certificate would be taken from me and given to some better man. Under this compulsion I consented to sign the papers; but before I did so Colonel Gillespie told me that there would be no danger, and if I should be found out that he had the word of Governor Davis that I would be pardoned in ten days, if convicted. Now, Governor, I have been found out, and the grand jury of this county has found a bill of indictment against me for it. They also found bills against Colonel Gillespie, Judge Thurmond, and other Republicans, but on different charges from the one brought against me.

My object in writing to you is to ask your advice about the matter. Please write to me at once and advise me what will be best for me to do.

Colonel Gillespie told me that he would give you a full statement of the affair.

Very respectfully,

C. HURTEL.

His Excellency Governor DAVIS.

CALVERT, TEXAS, November 8, 1871.

I do solemnly swear that the contents of the within statement are true.

C. HURTEL.

At the time that I did this I understood that it was the general programme throughout the State in conducting the election.

Indorsed on the back: "Charles Hurtel. D. G. Worrell, United States commissioner, western district of Texas."

Mr. CLARK, of Texas. I now ask the Clerk to read the true letter. *

The Clerk read as follows:

CALVERT, TEXAS, October 15, 1871.

DEAR SIR: I have the honor to address you a few lines to make a statement of the proceedings of the grand jury of this county against all good Republicans who took any active part in the late elections in this county. The grand jury has found bills of indictment against all good Republicans who took any active part in the election. Judge Thurmond, Colonel Gillespie, myself, and a good many others, have had bills found against them, and put under arrest for purely imaginary charges. I am under arrest, but not confined, for "aiding persons not qualified" to vote.

I am engaged in teaching a colored school in this county, and have been teaching for the past eighteen months, and have suffered a good deal of persecution on that account by the Democrats; have been assaulted on three different occasions. The last time was on the 17th of June, 1871. At that time I was knocked down and beaten with a club until I was insensible, by one William Hearne, a wealthy citizen of this county. I intended to have him indicted before the present grand jury for assault and battery, but he having friends and relatives on the grand jury, he had me indicted to defeat me in my case against him before the grand jury.

My dear Governor, I am an old Federal soldier, and served my country faithfully, which the wounds on my body will testify.

I lost my right leg above the knee at the battle of Gettysburg, 21 of July, 1863, besides two other wounds received before that time; and I now most respectfully ask your advice as to how I shall proceed about getting out of my present difficulties and get justice done me. Colonel Gillespie knows me personally, and can tell you about me, and that I am an unflinching Republican.

I hold a certificate of the third class in the public schools of this State, and would like to be assigned to a school; as it would now be dangerous for me to go back to where I have been teaching, and if possible (when I get out of my present difficulties) I would like to be assigned to some other part of this district.

With many wishes for your prosperity and happiness, I am truly and most respectfully, your obedient servant,

C. HURTEL.

His Excellency Governor Davis.

P. S.—Please excuse bad writing, as it is the fault of the constant use of my crutches.

Respectfully, C. HURTEL.

A true copy: J. C. DE GRESS,
Superintendent of Public Instruction.

MR. CLARK, of Texas. I refer now to the telegram on page 18 of the argument of the contestant:

Letter on page 94, Giddings's testimony, is a complete forgery. We have original. If all the testimony is of the same genuineness it is a complete fraud.

JAS. P. NEWCOMB,
Secretary of State.

Falsus in uno falsus in omnibus.

Whatever may be the action of this House, the time is coming when the conduct of the Governor in issuing to me that certificate will be vindicated by all honest men of the country. There is nothing even in the testimony of the contestant militating against that certificate. In referring to Brazos county, the committee say that the board of elections had the right to number and mark each ticket. I join issue on that.

MR. HOAR. The committee make no such statement anywhere. The committee say that

the numbering of the ballots by the officers of elections, whether legal or illegal, does not warrant depriving the voter of the right to cast his ballot.

MR. CLARK, of Texas. In other words, they have the right to number the ballots whether in violation of law or not, and to keep a complete supervision over every man with regard to his vote. I assert, sir, that that is utterly in violation of the law of the State, and is a species of Ku Klux espionage to which the gentleman from Massachusetts would not like long to be subjected in Texas.

I believe, sir, that the whole question in my case depends upon the action of the returning officers regarding Washington county. I think the chairman of the committee has come to the same conclusion. Indeed, the report of the committee would indicate that so far as the armed violence of Limestone and Free-stone counties is concerned, the Governor was perfectly justified in rejecting the votes of those two counties. This Washington county is the home of the contestant. It is the garden spot of the State. I have lived there. I know its people; and I know there is in that county a Republican majority of 1,800 or 2,000 votes. It was natural, sir, that this contestant should desire to carry his own county. Unfortunately for him he did not, but he was sufficiently successful to reduce my majority to about 200. To accomplish that result the contestant and his friends, as is shown by the evidence, set up two boxes, one on either side of the court house, one called "the white man's box," and the other "the black man's box," thus drawing a distinction between the different classes of voters, "the rebel Democratic" and "the Republican." It is well known that the contestant and his family are very large owners of real estate, and are bankers and lawyers in that county. The scheme was well devised and admirably executed. When it was discovered that I was to carry that county by a very large majority these two boxes were set up, in the face of the protest of the district attorney, as shown by evidence of contestant.

The regular judge of election was driven from the board, and a creature of the contestant, without any authority, assigned to preside over "the white man's box." To make this scheme of villainy more complete, the telegraphic wires leading to Austin were cut, in order that no knowledge of these facts might come to the Governor of the State; and not until they had accomplished their object did the friends of the contestant permit the wires to be replaced. In view of these facts sworn to and certified before the returning officers, the Governor of the State rejected this illegal white man's box and counted only the regular box in accordance with the election laws of the State. In this, as has been said,

the Governor was perfectly justified, and he would have been false to himself and to the loyal people of the district had he acted otherwise. The committee think differently. They never will be convinced to the contrary until they have passed through one election in the State of Texas. I am sorry, sir, that not one member of the committee ever smelt powder, or was ever under rebel fire, but I hope, sir, that the time is coming when they or their children will learn by the iron hand of experience what it is to live in a disloyal State.

I regret to have occupied the attention of the House so long. I have done it only in justice to myself and to the loyal people of the South. You will not hear from me very soon, probably. Your action to-day makes that impossible. But, sir, I am coming back here. I am coming back to raise my voice once more in behalf of the rights of the people whose cause I have ever advocated on this floor—the cause of loyalty and equal rights for every American citizen.

I would like to refer for a moment to the achievements of the Republican party in my State since it came into power. For thirty long years the Democracy held that State, as it held the other southern States, in the abject subjection of master and slave, slaves white as well as black. When that mighty incubus of aristocratic slave power was lifted from that people it sprang into a new life. For thirty years of Democratic rule, with millions of money and millions of acres of land, they could show less than four hundred miles of railroads. With the Republican party in power in less than two years they showed over five hundred miles of railroad completed. For thirty years there never was seen a free school in the whole State, notwithstanding the millions of money appropriated for that purpose. The same men who have secured the seat here for my opponent stole the money which was to be applied to the purposes of free schools, exhausted the treasury, and left a debt of \$500,000 upon the Republican party. To-day, in less than eighteen months after the Republican party took control, there are over two thousand schools and over one hundred and eighty thousand children in them.

And more, sir. Men talk here flippantly about the carpet-bag governments of the South. The Governor of my State, the bravest, the most honest, the most earnest-hearted Executive in the South, was born in Florida, and has lived thirty years in Texas. The secretary of State, earnest, true, and determined, has lived there nearly thirty years. The other returning officer has lived there for more than thirty-five years; and so with nearly every State officer in Texas. They have stood up manfully against every attempt to involve the State in debt, notwithstanding it was sought to be forced upon them by the Legislature,

four fifths of whom were southern born, every Democrat with two exceptions voting all the time for every job. For the last time I reiterate what I have said before on this floor, that with all these attempts on the part of the rebel Democracy the State to-day stands better in credit than any southern State. She owes less than five hundred thousand dollars. Her bonds sell readily at par. Her treasury meets every demand upon it, and it will be the glory of the Republican party in the future as in the past to hold up to the country a reconstructed State whose credit, whose honor, and whose integrity is proof against every insinuation, every unauthorized statement which has been made on this floor or in the Senate by any man, whatever his rank or position.

It is true, sir, that in this contest I have been compelled to contest against one of the vice presidents of the Dolly Varden convention, a Senator from my State. He has sought every opportunity, perhaps because I was his opponent for his seat in the Senate, to vilify and traduce me, and to hold me up to the execration of men who think like himself, that no man has any right to be born unless he can be born in the South. The chief and most earnest advocate of the very measures brought forward by the Legislature of the State to carry out the provisions of the constitution which he himself wrote and caused to be incorporated therein, when the time came for him to put his hands in his pocket and pay his share of the taxes which were necessary to support the measures called for by that constitution, he then, like all his family, loving money better than principle, enjoying vituperation better than commendation, soured, embittered, lonely, and miserable, without a friend as he says in the broad land, has made it his special province to vilify the State administration, abuse the school system, and has joined the rebel Democracy to assist my opponent and secure my defeat.

I have said, sir, that I go but to return. I shall return when men like the one whom I have just described shall have gone down to their graves unhonored, unwept, and unsung; when the school-house and the church will be seen upon every hill-top, and in every valley throughout that beautiful land; when the whistle of the locomotive shall have frightened from their dens forever all the Ku Klux and all the rebel friends of that gentleman; when the three thousand miles of railroad now being built at the rate of two and a half miles a day, shall have brought to that State the industry and intelligence of Europe and of the great Northwest. Then, sir, it will not be necessary for the sitting member, as now, his seat being contested by one of the friends of the contestant, to take a pistol in one hand and a pen in the other to take his testimony to vindicate

his cause. In that day there will be no subornation of witnesses. There will be no such record as that which has been presented here by the contestant, but he and all his friends, unless they repent and join the progressive party, the great Republican party, which believes treason odious and loyalty honorable, will have sunk into the oblivion which they deserve.

Mr. Speaker, I have been called a carpet bagger. It is true, sir, that I was born in New England; that I drew my first breath amid her grim, gray cliffs and mountain peaks, her crystal lakes, her lofty pines, her melancholy solitudes. More than twenty-five years ago, a boy of thirteen, I went out alone to fight my battle with the world. I learned at my mother's knee to hate wrong, slavery, dishonesty, and hypocrisy. Creeping up the old stairway many a day I have listened to that mother's pleading with the great God above us for the liberation of the slave and the equality of man before the law. I love to go back sometimes to that old home and to lay my head down upon the rocks and feel the great heart of New England beat up through her granite. Honest pulsations are they as they come up from those rocky depths, and their influence is now, and has been felt for nothing but good throughout the glorious West and Southwest, and their vibrations are only lost when they meet the lips of the waves that kiss the shores of the Pacific.

I am proud that I am a New England man, but I am also an American citizen and a citizen of Texas. Through the terrible battle-fields of the war I fought my way there. I believe I have a right to live there and wherever the old starry banner floats. True, I have seen that flag torn down over my head and burned in the tar barrel during my canvass; but, thank God, I shall yet live to see the day when, even in Texas, any man who dares to tear down that flag will be hanged upon the spot and all the people will say "amen."

One word more, and I have done.

In the language of Henry Clay, until very recently the patron political saint of Mr. Greeley, the candidate of the "chameleon" convention at Cincinnati—

"I announce here that I have wished the good opinion of the world, but I defy the most malignant of my enemies to show that I have attempted to gain it by any low or groveling acts, by any mean or unworthy sacrifices, by the violation of any of the obligations of honor, or by a breach of any of the duties which I owed to my country."

I understand the temper of this House. You cannot pass the "civil rights bill," nor can you continue in force the "Ku Klux act." The loyal people of the South in the coming contest, the bitterest and most vindictive ever known in this country, will next fall be left to themselves, as they were in 1860 and 1861, to the mercy of their enemies, thanks to Mr. Greeley and his friends. But the cause of loyalty and freedom will triumph. It will cost blood and treasure, but out of the second rebellion will come the hero of the old army of the Tennessee once more triumphant.

The soldiers and sailors who endured so much and sacrificed so much in the late war have no use for the hot and cold philosopher of Chappaqua.

"Consistency is a jewel;" the only maxim which the swift bailor of his country's arch-traitor has never learned. This maxim will be taught him and all like him by the people next November who hate treason and hypocrisy and who love the patriot soldier and the memory of their country's heroic dead. "Time at last makes all things even."

"There never yet was human power
Which could evade, if unforgiven,
The patient search and vigil long,
Of him who treasures up a wrong."

Mr. Speaker, turn out the patriot soldier, and swear in the unrepentant rebel. I have done.